

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-10, the only claims pending and currently under examination in this application.

In the above amendments, the claims have been amended to clarify the correlation between the assaying step and the diagnosis, as requested by the Examiner. As the above amendments introduce no new matter to the application, the Examiner is respectfully requested to enter these amendments.

The rejection to Claims 1 to 10 under 35 U.S.C. § 112, 1st ¶, has been maintained, for the asserted reason that the claim language still reads upon fragment 1. However, in the section of the specification cited by the Examiner, fragment 1 is recited as having a molecular weight of 5 to 15 kDa. The claim now requires the fragment of interest to have a molecular weight of from about 35 to about 45 kDa. As such, contrary to the Examiner's position the claim does not read on fragment 1 and this rejection may therefore be withdrawn.

Claims 1 and 6 have also been rejected under 35 U.S.C. § 112, 2nd ¶, for the asserted reason the claim language is indefinite for not providing a correlation between the assaying and diagnosis steps of the claim. In view of the above amendments to Claims 1 and 6, this rejection may be withdrawn.

CONCLUSION


In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

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